

Attorney Docket No.: 5540-1ACXCT2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Continuation of Vandepopuliere et al.

Serial No.: 09/922,824

Group Art Unit: 1761

Filed: 6 August 2001

Examiner: A. Weier

For: METHOD OF CONTROLLING SALMONELLA IN SHELL EGGS

January 6, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JAN 26 2004
TC 1700

**SECOND PETITION TO WITHDRAW NOTICE OF ABANDONMENT
PURSUANT TO 37 CFR SECTION 1.181**

Sir:

In response to the Notice of Abandonment mailed August 11, 2003, a copy of which is attached, Applicants respectfully request and/or petition that the United States Patent and Trademark Office ("USPTO") withdraw the holding of abandonment, pursuant to 37 CFR §1.181 and MPEP §711.04 (c), as abandonment never occurred.

The Notice of Abandonment states that: "No new formal drawings have been received" in response to the request for formal drawings on Part 8 of Paper No. 15 of the Notice of Allowability dated March 10, 2003 (copy attached).

However, Applicants timely submitted a Submittal of Formal Drawings, two (2) sheets of formal drawings, and corresponding Return Receipt Postcard (MPEP 503) in response to the request for formal drawings on Part 8 of Paper No. 15 of the Notice of Allowability dated March 10, 2003. The Reply was mailed to the Patent Office with a Certificate of Mailing on April 2, 2003, well in advance of the due date of June 10, 2003. A copy of the Reply with the signed Certificate of Mailing dated April 2, 2003 is attached hereto. Applicants are also submitting a Declaration executed by Sloan Hobbs stating that the reply and the Return Receipt Postcard were submitted via first class mail on April 2, 2003.

Applicants request that a Withdrawal of the Notice of Abandonment be issued and sent to the undersigned attorney at the earliest possible

RECEIVED

JAN 06 2004

OFFICE OF PETITIONS

RECEIVED

JAN 06 2004

OFFICE OF PETITIONS


In re: Continuation of Vandepopuliere et al.
Serial No.: 09/922,824
Filed: 6 August 2001
Page 2

opportunity. The Patent Office is encouraged to contact the undersigned attorney by telephone should any further matters need to be addressed.

This is the second submission of this petition and the above items. The first submission was made on August 21, 2003 (copy of stamped Return Receipt Postcard of August 21, 2003 enclosed), and such action was promptly taken after receiving the Notice of Abandonment. The Examiner has advised Applicants via telephone that the Patent and Trademark Office has no record of having received the first submission. Pursuant to his instructions, Applicants are resubmitting the petition herewith.

Applicants believe that no fee is required for the Petition at this time as the Notice of Abandonment occurred without fault on the part of the Applicants. Any additional fee associated with this Petition may be charged to our Deposit Account No. 50-0220.


Respectfully submitted,


Karen A. Magri
Registration No. 41,965

Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV381448069US Date of Deposit: January 6, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Sloan Smith